

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Nancy Blanchard,)
)
Plaintiff,)
)
)
v.) C.A. No. 9:20-cv-2612-RMG
)
)
PETCO Animal Supplies Stores, Inc.,)
)
Defendant.)
)
_____)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a), (b) and § 1446, Defendant PETCO Animal Supplies Stores, Inc. (hereinafter “Defendant”), files this Notice of Removal to the United States District Court for the District of South Carolina, Charleston Division. Removal is proper based on the following grounds:

1. Plaintiff Nancy Blanchard initiated a civil action captioned *Nancy Blanchard v. PETCO Animal Supplies Stores, Inc.*, Civil Action No. 2020-CP-07-00147, in the Court of Common Pleas of Beaufort County, South Carolina.

2. Defendant was served with a copy of the Summons and Complaint on June 15, 2020. The documents attached hereto as “Exhibit A” constitute all of the process and pleadings received by Defendant in this action to date.

3. Upon information and belief, and according to the Complaint’s allegations, Plaintiff is a resident and citizen of the State of Georgia. (Complaint at ¶ 1.)

4. For purposes of diversity jurisdiction, a corporation (“Inc.”) is assigned the citizenship of its members. *Cent. W. Va. Energy Co. v. Mt. State Carbon, LLC*, 636 F.3d 101, 103

(4th Cir. 2011). Defendant’s sole member is PETCO Animal Supplies Stores, Inc. PETCO Animal Supplies Stores, Inc. is incorporated in the State of Delaware, and its principal place of business is in the State of South Carolina. (*See* Complaint at ¶ 2.) Accordingly, Defendant is a citizen of the State of Delaware and the State of South Carolina for jurisdictional purposes. *See Hertz Corp. v. Friend*, 559 U.S. 77, 92-93 (2010); *Cent. W. Va. Energy Co.*, 636 F.3d at 103.

5. Thus, there is complete diversity of citizenship between Plaintiff and Defendant in this action.

6. The amount in controversy in this action, exclusive of interest and costs, exceeds \$75,000. The Complaint contains the following two causes of action: (1) retaliatory discharge in violation of S.C. Code §41-1-80; and (2) violation of the South Carolina Payment of Wages Act (“SCPWA”). Plaintiff is seeking unspecified damages consisting of compensatory damages, backpay, diminished benefits, front pay and any other work benefits, actual damages, prejudgment interest, costs, attorneys’ fees, and further relief as this Court deems just and proper. (Complaint at ¶¶ A-G.) Furthermore, Plaintiff failed to plead that her damages were less than \$75,000 in accordance with S.C.R. Civ. P. 8(a). Based upon the nature of the claims and damages sought, Plaintiff’s allegations are adequate to establish an amount in controversy that exceeds \$75,000.¹

7. In light of the preceding allegations, removal is proper under 28 U.S.C. § 1441. This Court has original jurisdiction over this action under 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.

¹ The amount in controversy is based solely on potential damages as plead. Defendant in no way concedes that Plaintiff is entitled to this amount.

8. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff and without conceding that Plaintiff has alleged claims upon which relief may be granted.

9. This Notice of Removal is filed with the Court within thirty (30) days of service of the Summons and Complaint, in accordance with 28 U.S.C. § 1446(b).

10. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

11. Written notice of the filing of this Notice of Removal will be given to Plaintiff, and together with a copy of the Notice of Removal and supporting papers, will be filed with the Clerk of Court for the County of Beaufort, South Carolina.

WHEREFORE, Defendant gives notice that the referenced action pending in the Court of Common Pleas for Beaufort County has been removed to the United States District Court for the District of South Carolina, Charleston Division.

Respectfully submitted,

s/ D. Randle Moody
D. Randle Moody, II (Fed. Bar No. 7169)
Email: Randy.Moody@jacksonlewis.com
Cashida N. Okeke (Fed. Bar No. 12026)
Email: Cashida.Okeke@jacksonlewis.com

JACKSON LEWIS P.C.
15 South Main Street, Suite 700
Greenville, SC 29601
Phone: 864-232-7000
Fax: 864-235-1381

ATTORNEYS FOR DEFENDANT PETCO ANIMAL SUPPLIES STORES, INC.

Dated: July 14, 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Nancy Blanchard,)
)
Plaintiff,)
)
)
v.) C.A. No. _____
)
PETCO Animal Supplies Stores, Inc.,)
)
Defendant.)
_____)

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **NOTICE OF REMOVAL** was served on counsel for Plaintiff via United States Mail, postage prepaid and addressed to:

Emily Hanewicz Tong, Esq.
WIGGER LAW FIRM, INC.
8086 Rivers Ave., Suite A
North Charleston, SC 29406

s/ D. Randle Moody _____

Dated: July 14, 2020